UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1343
25 July 1994

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Fifty-first session

SUMMARY RECORD OF THE 1343rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 July 1994, at 10 a.m.

Chairman: Mr. ANDO

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GE.94-17785 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Slovenia (CCPR/C/74/Add.1; HRI/CORE/1/Add.35)

1. At the invitation of the Chairman, Mrs. Šelih, Mr. Mahnič, Mr. Debelak and Mrs. Šmit (Slovenia) took places at the Committee table.

2. The CHAIRMAN welcomed the delegation of Slovenia, explained the procedure to be followed, and invited the head of the delegation to present and update the initial report (CCPR/C/74/Add.1).

3. Mrs. ŠELIH (Slovenia) first corrected the report in a few particulars.

4. The statement in paragraph 4 that the legislation of the former Yugoslavia had for the most part been in line with the Covenant was basically correct. However, the provisions of that and other international instruments ratified by the former Yugoslavia, notably in regard to certain political rights, had not been fully taken over into domestic legislation. Consequently a process of harmonization was under way, whereby the legislation of Slovenia would, in its essential aspects, be aligned with the international instruments in question.

5. Paragraph 14 should be corrected to indicate that the death penalty had been abolished de jure by an amendment to the Constitution in September 1989. De facto abolition had come into effect in 1957.

6. The number of temporary refugees mentioned in paragraph 36 should be updated in the light of a registration procedure carried out in October 1993, from which it had emerged that there had been some 30,200 temporary refugees in Slovenia at that time; there were probably an additional few thousand unregistered refugees in the country.

7. Paragraph 39 should be understood as referring to the third of the three categories of offences identified for the purposes of Slovene law, namely so-called "petty offences"; the others were criminal acts and economic transgressions and offences as described in paragraph 44. Magistrates for petty offences carried out their judicial functions in accordance with a special law of 1983.

8. The English translation of the original text of paragraph 52 was misleading. The final sentence should read: "Criminal law which enabled prosecution of persons for criminal offences of so-called 'enemy propaganda' was changed in 1990 (that is, in the time of the former Yugoslavia)".

9. Equally misleading was the introductory sentence of paragraph 70, where "three forms of social security for children" should read "three forms of societal care for children". The provisions described in that paragraph covered both social security issues in the strict sense of the term and more general measures of social care.

10. She then outlined the major legislative developments in the area of human rights in Slovenia during the very busy period of 13 months since the drafting of the initial report, as they related to the various articles of the Covenant.

11. In relation to articles 2 and 3 of the Covenant, Slovenia had ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women. It had also recently ratified the European Convention on Human Rights.

12. In relation to article 3, the principles of non-discrimination and equality between men and women had been taken into account in the legislation of Slovenia wherever appropriate, in instances too numerous to mention.

13. Concerning article 6, Slovenia had ratified the Convention on the Prevention and Punishment of the Crime of Genocide and the Second Optional Protocol to the International Covenant on Civil and Political Rights. Major items of legislation had passed through Parliament. She had already mentioned the de facto and de jure abolition of the death penalty.

14. Concerning article 7, Slovenia had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; a major law on the implementation of penal sanctions was being prepared for submission to Parliament. Some very basic principles on the implementation of penal sanctions were also included in the draft Criminal Code.

15. There had been no further developments in relation to article 8.

16. In connection with article 9, and paragraphs 22 to 26 of the report, she said that the new Law on Criminal Procedure was having its third reading in Parliament and was expected to be enacted by September 1994. That law gave the police the right to detain a person if any of the reasons for arrest specified therein existed; the suspect must, however, be brought before a court without delay. Detention for a maximum period of 48 hours was provided for in the case of persons caught in flagrante delicto, provided that the conditions for arrest ordered by the prosecuting magistrate were fulfilled. The person must be notified of his or her rights of defence and the right to counsel at that stage; the police were required, at the prisoner's request, to notify the immediate family. All other forms of deprivation of liberty had to be ordered by a judicial authority.

17. Turning to the specific issue of the liberty of movement and the rights of aliens, she said that Slovenia had ratified the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees. In recent months the Law on Citizenship had been modified in regard to conditions for the naturalization of immigrants to Slovenia and their spouses and the acquisition of citizenship by a child, as well as in regard to the prevention of dual citizenship, the withdrawal of citizenship, the granting of citizenship to a category of persons fulfilling conditions set out

in the law, and the acquisition of citizenship by minors who were the offspring of so-called mixed marriages. A new law on the status of temporary refugees was being prepared.

18. The right to a fair trial (art. 14) and questions of criminal procedure (art. 15) had been a focus of attention during the past 13 months, and before that, and were the subject of new legislation, which included laws on the Constitutional Court, on the ordinary courts, on the performance of judicial functions, on notaries public, on the Bar, on labour and social courts as specialized courts and on the Ombudsman. She added that two major new and relevant pieces of legislation, namely the draft Criminal Code and the draft Law of Criminal Procedure, as well as a draft Law on State Prosecution, were also in the pipeline. Working drafts of laws on administrative courts and on petty offences had also been prepared. The right to privacy (art. 17) was in part covered by a Law on the Protection of Personal Data; a new law would reinforce such protection.

19. There had been no further developments in relation to article 18.

20. Freedom of expression (art. 19) was covered by two new laws, on the mass media and on radio and television.

21. War propaganda, racism and xenophobia (covered by art. 20) were classified as criminal offences under the draft Criminal Code. There were no statutory limitations of time on the prosecution of such offences.

22. Peaceful assembly (art. 21) was covered by a new Law on Public Gatherings that was being processed. In connection with the freedom of association (art. 22), Slovenia had ratified two conventions of the International Labour Organisation on the status of trade unions. She added that exercise of the right to strike in the public services was subject to the provision of minimum service. Draft laws on associations and on foundations were going through Parliament.

23. There had been a great deal of debate on the subject of the protection of the family and the rights of children (arts. 23 and 24), but so far there had been no changes of legislation. The same was true in respect of articles 25, 26 and 27, concerning which there had been no further developments during the past 13 months.

24. She concluded her brief overview of Slovenia's current legislation by acknowledging that, especially in the domain of human rights, it was equally important to demonstrate the law in action. Her delegation would do its best to respond to questions by members of the Committee.

25. The CHAIRMAN thanked the head of the delegation of Slovenia for her clear and helpful presentation and underlined her final remark on the importance of implementation; members' questions would no doubt address that aspect.

26. Mr. HERNDL welcomed the delegation of Slovenia and commended the initial report as a good if rather short document principally concerned with the legislation currently in force.

27. He found the provisions on human rights and basic liberties set out in section II of the Constitution of Slovenia to be in a certain way exemplary, drafted as they obviously had been with international obligations and human rights standards in mind. In that connection, he singled out article 17 on the inviolability of human life, adding that the Constitution was also very progressive in the matter of human rights, containing for example, a provision on the right to a healthy environment. His overall impression was of a laudable attempt to formulate and enshrine human rights at the highest possible level.

28. He noted with further approval Slovenia's ratification of the Optional Protocol to the Covenant (albeit with two reservations that were basically in line with action by other countries and with the practice of the Committee).

29. That being said, he raised the perennial issue of the place of the Covenant in the law of the State party, and of the possibility afforded to individuals to resort to and invoke the Covenant in domestic legal proceedings. Noting the statement in paragraph 9 of the report that legislation which was valid in Slovenia facilitated the possibility of complaint for anyone who claimed to have suffered violation of rights recognized in the Covenant, irrespective of who violated those rights, he asked for more specific details. Was there a general provision whereby in any legal proceedings, for instance in civil proceedings before a court, the Covenant could be invoked? If so, would the Covenant have to be taken into account by the judge? Irrespective of the means employed by the State party, it was important to be assured that the Covenant could be invoked and that it had a force at least equivalent if not superior to that of national legislation.

30. Concerning freedom of association and freedom to belong to political parties, he noted from paragraph 57 of the report that the current law contained no restrictions regarding the right to the establishment and membership of a trade union for members of the armed forces and the police. At the same time, he had learned from article 42 of the Constitution that professional members of the defence forces and the police might not be members of political parties. Could the ambiguity be resolved, and could the delegation comment on the compatibility of that significant constitutional restriction with articles 22 and 25 of the Covenant?

31. Article 77 of the Constitution acknowledged the right to strike, but specified that if "the public good" so required, that right could be limited by law, bearing in mind the "type and nature" of the activity. He asked the delegation to clarify the meaning of those terms.

32. Turning to the question of minorities, he also sought clarification of the concept of "national" or "autochthonous" communities, as referred to in the Constitution of Slovenia and the report. According to paragraph 6 of the core document (HRI/CORE/1/Add.35), two "original national minorities" (Hungarian and Italian) lived in Slovenia, as well as "members of other nations" that were specified. He asked whether the enumeration was exhaustive, or whether other minorities, such as German-speakers, who constituted living remnants of the region's past history, might not be found in Slovene territory. In that connection, he noted the generous provision in

article 138 of the Constitution for the exercise of local self-government in communes and other local communities, and asked, with reference to article 64, whether the provision that the autochthonous Italian and Hungarian national communities might found "their own self-governing communities for the realization of their rights" was for all intents and purposes the same. He also requested an explanation of the provision in article 65 that "The position and special rights of Romany communities who live in Slovenia shall be governed by law".

33. Mrs. EVATT said that Slovenia was to be highly commended on introducing so many new laws in the relatively short period of time since its ratification of the Covenant and the Optional Protocols. She also welcomed the fact that the Covenant took precedence over domestic law and could be applied directly, as borne out by articles 8 and 15 of the Slovene Constitution. Echoing Mr. Herndl's remarks regarding exemplary provisions on the protection of human rights in the Constitution, she singled out article 48 whereby asylum could be granted to persons who were persecuted for their support of human rights. Slovenia was further to be commended on having provided shelter for many refugees.

34. However, the Committee's main concern was how such legislation would be implemented and to what extent it enabled citizens to enjoy their rights. She would therefore welcome further information on the new law for the institution of an Ombudsman and how his role in the protection of human rights was envisaged. As to the status of women, the report provided little information on how equal opportunities in employment were ensured, and other issues such as violence. Were there any specific programmes to promote equality and women's issues? Article 53 of the Constitution which provided for equal rights in marriage also referred to "non-matrimonial cohabitation". Had any specific legislation with regard to the latter been enacted? According to article 55 of the Constitution, the State guaranteed parents the freedom to choose whether to have children and created the necessary conditions to permit such choice. Did that mean that citizens had free access to contraception and abortion services?

35. With regard to stateless persons and refugees, she inquired whether the new legislation mentioned laid down the conditions for their asylum. Moreover, were decisions regarding asylum and deportation orders subject to appeal, in accordance with the provisions of article 13 of the Covenant? Paragraph 36 of the report referred to certain restrictions imposed on the freedom of movement and choice of residence of refugees in Slovenia. Would such restrictions be lifted following the introduction of the new legislation?

36. Paragraph 76 of the report implied that the right to vote might be extended to persons who did not have Slovene citizenship. Would that be covered by the new electoral legislation and, more importantly, would it be applicable to minorities in Slovenia? The core document mentioned the fact that members of the Hungarian and Italian minorities were entitled to elect a representative from their own community to the National Assembly. Did that mean that they would vote twice in general elections, or were they only entitled to vote for their own candidate? She endorsed Mr. Herndl's comments regarding minorities, stressing that the members of all minority groups should enjoy equal rights.

37. As to article 15 of the Covenant, she inquired whether there was any specific legislation relating to conscientious objection and, if so, in what circumstances it was allowed. Lastly, she asked whether any difficulties had been encountered in applying the provisions of article 41 of the Constitution relating to the religious education of children.

38. Mr. BAN welcomed the additional information provided by the head of the delegation on new legislation enacted and international human rights obligations undertaken by Slovenia, including the ratification of the Covenant and the two Optional Protocols, since the submission of its initial report. The Committee was particularly interested in how such laws were invoked and whether any remedies were available to persons who claimed violations of their basic human rights. Further clarification of the status of the Covenant vis-à-vis the Constitution would be necessary. He inquired what legal means existed to challenge internal legislation when basic human rights were violated due to a failure to comply with the provisions of the Covenant or to apply domestic laws properly. Was it possible to invoke the provisions of the Covenant before a court of law or the administrative authorities in Slovenia? Moreover, he asked what steps had been taken to disseminate the Covenant and ensure its precedence over domestic law.

39. Drawing attention to paragraph 24 of the core document (HRI/CORE/1/Add.35), he sought further clarification regarding the reference in the last sentence to the possibility of lodging "a constitutional complaint" following the exhaustion of all regular domestic remedies. He welcomed the news of the ratification by Slovenia of the European Convention on Human Rights. However, in the delegation's introductory remarks mention had been made of the need to harmonize internal legislation within a certain deadline. Was that in connection with the European Convention or another human rights instrument? It was also worthwhile noting that no cases of ill-treatment in Slovenia had been mentioned in Amnesty International's annual report on the subject and that Slovenia had recently ratified the Convention against Torture. Lastly, he sought further information on the conditions required for Slovene citizenship and, in that connection, wondered how the independence of Slovenia had affected the rights of persons who were not ethnic Slovenes.

40. Mr. AGUILAR URBINA welcomed the fact that experts on human rights and legal matters were well represented on the Slovene delegation, as well as the frankness with which they had opened their dialogue with the Committee. The report was certainly far too brief and, given the scarcity of information available on Slovenia from other sources, including official United Nations publications, many additional clarifications would be required. The report indicated that there was no discrimination against women in Slovenia, but he would welcome further details on their status in general. In particular, he inquired whether decisions relating to domicile were taken by men only or by the couple jointly. Information should also be provided on parental authority, the custody of children and how their nationality was established. Further details on the new law on citizenship would be welcome, particularly in respect of Slovene children born abroad. Was the nationality of both parents taken into account? In the delegation's introductory remarks, mention

had been made of mixed marriages between persons belonging to the various ethnic groups of the former Yugoslavia. What was the situation regarding marriages between Slovene citizens and persons from other States?

41. Independent sources including the United States State Department had reported that the basic principles enshrined in the Covenant had been observed during the elections held in Slovenia in December 1992. None the less he would welcome more detailed information in that connection.

42. He expressed concern about the situation of minorities in Slovenia. While article 64 of the Constitution of Slovenia contained detailed provisions on the rights of the Italian and Hungarian ethnic minorities, the scope of legislation relating to the Romany community required further clarification. Furthermore, what was the status of smaller minority groups such as ethnic Germans and Croats?

43. Little information had been provided on Slovenia's judicial system. How did the courts operate, and how were judges appointed to the higher courts? Referring to paragraph 42 of the report, he sought clarification regarding the Law on Criminal Procedure, its status vis-à-vis the Covenant and the "special circumstances to renew criminal proceedings" apparently provided for under that law. According to paragraph 48 of the report, the same Law on Criminal Procedure set forth the conditions under which the inviolability of the person's dwelling and correspondence could be suspended. However, the qualification "as a rule only" implied that there were exceptions. What were those exceptions and to whom did they apply?

44. In the delegation's introductory remarks mention had been made of forthcoming amendments to the Law on Public Gatherings, referred to in paragraph 55 of the report. What exactly would those amendments entail?

45. Lastly, he stressed the importance of the role of an Ombudsman in the protection of human rights. The launching of such an institution would undoubtedly represent one of the major achievements by Slovenia since its independence.

46. Mr. EL SHAFEI said that the initial report submitted by Slovenia ought to have contained more information on the status of internal legislation vis-à-vis the Covenant. Focusing on specific issues requiring clarification, he referred to paragraph 5 of the report and asked what was meant by "certain deficiencies and problems in the functioning of the State based on the rule of law". He also sought clarification with regard to the reference in the last sentence of the same paragraph to "difficulties in the enjoyment of individual rights".

47. Referring to the aggression by the Yugoslav army in June 1991 (para. 12), he asked whether a state of emergency had been declared and, if so, which provisions of the Covenant had been derogated from.

48. He expressed concern regarding the absence of any time-limit on detention following the submission of an indictment. He asked whether that provision would remain in force under the new Law on Criminal Procedure. Paragraph 31 of the report indicated that the Law on Criminal Procedure provided for one

exception whereby a juvenile offender might be detained together with adults. He inquired how that provision could be reconciled with article 10, paragraph 2 (b), of the Covenant. Details of a further discrepancy in the current Law on Criminal Procedure were given in paragraph 42 of the report. Would that problem also be resolved by the proposed amendments?

49. The core document provided useful background information. None the less, he was somewhat puzzled by the penultimate sentence of paragraph 21. If it applied to the armed forces, then presumably there were no military courts.

50. Lastly, from the information available to the Committee it had emerged that there was a type of self-censorship of the media in Slovenia. He would welcome further information on the relevant legislation so that the Committee could assess the extent to which freedom of the press was allowed in Slovenia.

51. Mr. DIMITRIJEVIC said that it was a privilege to welcome a delegation headed by a person who had played such an active role in the forum to protect human rights in the former Yugoslavia, in which he had also participated. He expressed disappointment that the report was so brief. It did not provide sufficient detail on the application of legislation, compliance with the provisions of the Covenant or any difficulties encountered - paragraph 5 being a case in point. In general, Slovenia seemed to have made the transition to democracy more smoothly than other former communist countries in eastern Europe. None the less, it had been unable to avoid totally the wave of nationalism that had followed their independence. As a result, in the Constitution there were slight traces of an overriding concern for nationalist issues, which gave rise to certain problems.

52. He wondered what the word "Slovene" meant in the Constitution. In that connection, he noted the statement in article 5 of the Constitution that the State looked after the autochthonous Slovene ethnic minorities in neighbouring States, Slovene emigrants and migrant workers, and promoted their contacts with their homeland. Article 13 said that foreigners in Slovenia had all the rights guaranteed through the Constitution, except those which, according to the Constitution or law, applied only to Slovenes. That gave the impression that there were two kinds of citizens in Slovenia. He wondered how a person could prove that he was a Slovene for the purposes of the constitutional provision. The promotion of ethnic interests above others seemed to be a noticeable feature of many Constitutions and laws of post-communist countries.

53. With regard to article 2 of the Covenant and the idea of promoting human rights, he asked how the Covenant was being disseminated in Slovenia and would welcome information on the number and activities of non-governmental organizations in that country.

54. With respect to paragraph 22 of the report, he would also appreciate information on the new Law on Criminal Procedure. He also wondered whether there was any intention to introduce bail in the cases concerned.

55. Referring to the statement in paragraph 36 of the report that refugees could not, for reasons of public order, be granted the full right to free movement, he said that such restriction should be reasonable. It would be interesting to know to what extent their freedom of movement was limited.

56. On article 19 of the Covenant, he recalled that reference had been made to a new law, and inquired what was the system regulating and guaranteeing the independence and impartiality of State radio and television stations.

57. He was somewhat puzzled by the singling out of only two minorities for protection when, according to the official results of the 1991 census, the two minorities in question comprised about 12,000 persons whereas there were 54,000 Croats, 47,000 Serbs and 27,000 Muslims in the country. It was somewhat unusual for those small minorities to be protected while no account was taken of the larger minorities.

58. It was a pity that the report did not stress the fact that the Slovene Constitution was the only Constitution, with the exception of that of the former Yugoslav Republic of Macedonia, that referred to gypsies. The existence of the gypsy community had been recognized but, unfortunately, the bill formalizing that recognition had not yet been adopted.

59. Mr. POCAR said that the Government of Slovenia was to be commended on acceding to the Covenant. In that connection, he noted that the obligations arising from the Covenant had been assumed by the new State as from the date of independence.

60. He was aware that the Constitution provided for a procedure to declare a law unconstitutional. He wondered whether it also covered the case of a law that was inconsistent with international treaties. That would be extremely important for the protection of human rights, since the Constitution provided for the competence of the Constitutional Court not only to revise laws which were against the Constitution but also to consider constitutional complaints submitted by individuals about violations of human rights. In that connection he said that, under article 161, the Constitutional Court in deciding on a constitutional complaint could also repeal an unconstitutional law. He would also welcome further information abut the practice adopted so far since it could be extremely important for the revision of old legislation.

61. He would like to know more about how the right of conscientious objection was recognized in law and in practice.

62. He would also welcome information on the restrictions on the right to freedom of expression referred to in paragraph 51 so that the Committee could determine whether they were in accordance with the provisions of the Covenant.

63. He requested clarification with regard to the statement in paragraph 65 that the institution of marriage was the most frequent foundation for the family, since it was his understanding that the Constitution protected not only the regular family but also non-matrimonial cohabitation. He would like to know the extent to which the latter was legally protected.

64. Noting the statement in paragraph 83 of the report that the legislation governing the method by which the special rights of ethnic minorities were to be realized had been assessed by foreign observers as exemplary, he asked what had been done to change the legislation that had existed before the independence of Slovenia.

65. Mr. WENNERGREN noted the statement in paragraph 4 of the report that the Constitutional Law on the Implementation of the Constitution of the Republic of Slovenia determined that all regulations must be harmonized by the end of 1993. Since other laws were still under preparation, he would be grateful if the Slovene delegation could give the Committee a general idea of what remained to be done before all regulations were harmonized.

66. Referring to the statement in paragraph 24 of the core document (HRI/CORE/1/Add.35) that an individual who claimed that a right had been violated might request, against final acts by bodies of State administration, judicial protection (administrative dispute) under conditions and in a manner determined by the Law on Administrative Disputes, he said that he would welcome information on the conditions and manner in question. Noting that various models had been chosen in different countries, he said it would be interesting to know which model Slovenia had preferred.

67. Reference had been made to the Council of Human Rights and Fundamental Freedoms and the Human Rights Ombudsman. He would like to know how the activities of those two institutions were coordinated. He would also like to know what the Council had been able to do and how many complaints it had received.

68. Referring to the question of conscientious objection, he noted that it was not restricted to military service and could involve other areas. He would welcome information on the legislation adopted by Slovenia in that field. Noting that article 37 of the Constitution dealt with the privacy of letters and other communications, he said that he would welcome information on legislation adopted to regulate the use of concealed microphones.

69. Referring to article 56 of the Constitution which dealt with the rights of children, he inquired what was the situation concerning their freedom of expression and whether they would be allowed to have a journal of their own.

70. Mr. LALLAH said that very little information had been given in the report on the organization of the courts. Since human rights formed a very important part of the Constitution of Slovenia, he wondered whether there was any possibility for any citizen whose rights had been violated to have the matter dealt with by a court, whether it was the Constitutional Court or some other court. He would also like to know whether it was possible to refer a matter concerning human rights to the Constitutional Court so that it could adjudicate on constitutionality in terms of human rights law. He further inquired whether there was any method of testing Slovenia's legislation against international human rights law.

71. Referring to paragraph 30 of the core document, he said that it was essential not to be Eurocentric and that there were a number of provisions in the Covenant which were not to be found in the European Convention on Human Rights. There were a number of general comments made by the Committee, as well as decisions under the Optional Protocol, which it might be useful for the delegation to consider.

72. With regard to the manner in which the problem of minorities was dealt with in the report, he had the impression that the delegation was not familiar with the Committee's general comment on the subject. Since Slovenia seemed to distinguish between one kind of minority and another in a way that was not considered under article 27, it was necessary to examine the implications. In that connection, he asked why there should be reserved seats for some minorities and not for others. That seemed tantamount to discriminatory treatment under the Covenant.

73. Under article 9 of the Covenant, whenever people were arrested and kept in custody they were entitled to legal representation. Was legal aid provided to poor persons in that situation? He also asked how many women there were in Parliament and in the public service.

74. Mr. BRUNI CELLI, referring to paragraph 17 of the core document, noted that one delegate was elected by the Hungarian and Italian minorities respectively. After noting that there were some 8,000 Hungarians and 3,000 Italians in Slovenia, he pointed out that the largest minority groups were Croats, Serbs and members of other nations of the former Yugoslavia. He would like to know whether members of the Hungarian and Italian minorities were recognized as Slovene citizens. In the light of the recent political events which had led to Slovenia's independence, the issue of the political representation of minorities was bound to be a very sensitive one. For example, paragraph 6 of the core document (HRI/CORE/1/Add.35) stated that some 87 per cent of the population were Slovenes; it followed that some 13 per cent must be members of minorities. Nevertheless, it appeared from paragraph 17 of the report that Hungarians and Italians between them held only 2 seats in parliament out of a total of 90. He would like to know how the participation of minorities in political life under the terms of article 25 of the Covenant was guaranteed.

75. Mr. SADI said that since the report was an initial report, the Committee should perhaps be tolerant about the fact that it was somewhat short and did not contain enough factual information. Nevertheless, a good start had been made to the dialogue, and the oral statements made had helped to supplement the report's shortcomings. He hoped that future reports would be more factually oriented.

76. He appreciated the candour shown by the Slovene delegation in admitting that since the harmonization process was not yet complete, human rights violations might occasionally occur. Slovenia was a very new country, and should therefore be allowed a period of grace to catch up with its legal obligations under the Covenant.

77. Having said that, however, the singling out of Hungarian and Italian ethnic communities both in article 5 and in article 64 of the Constitution seemed to him to be problematic. He was sure it was not the intention to imply that the rights of those two communities were given priority, but somehow the language used gave that impression. Was the Muslim community treated as a religious minority or as an ethnic minority?

78. He was pleased to note from article 8 of the Constitution that "ratified and published international contracts" (which he assumed meant conventions) were used "directly". Did that mean that the Covenant could now be invoked directly in the courts? Concerning article 7 of the Covenant, he noted that article 18 of the Constitution provided that no one could be submitted to torture or to inhuman or degrading punishment or treatment. Was torture a criminal offence under the Criminal Code? What laws governed the use of evidence that acts of torture had been committed?

79. On the subject of freedom of the press, he would like more information on whether private radio and television networks existed alongside those of the State. Concerning freedom of conscience and religion, at what age were children able to change their religion? He noted that article 46 of the Constitution stated that conscientious objection was allowed, provided that it did not limit the rights and freedoms of others. He was not clear how the rights and freedoms of others could be involved in the matter, and would welcome an explanation.

80. He commended the Government of Slovenia on its continuing efforts to harmonize its laws with the provisions of the Covenant, and looked forward to hearing its replies to the Committee's questions and comments in due course.

81. Mr. FRANCIS, after welcoming the Slovene delegation, said that the report was a very encouraging one.

82. On the gender issue, he noted from the statistics given in paragraph 8 of the core document that females seemed to account for a higher percentage than males at all levels of education up to university level. At that level, however, the percentage of women in education was only 3.2 per cent, whereas for men it was 5.2 per cent. Bearing in mind that of the total population some 47 per cent were male and some 52 per cent female, those figures would seem to suggest that the further women progressed up the educational ladder the more they became an endangered species. There could be a number of reasons for that phenomenon: he noted from paragraph 13 of the core document that over 44 per cent of households in Slovenia were headed by women, which would mean that they bore a heavy burden of responsibility. Did that situation adversely affect women's education in Slovenia, and was it proposed to take any action in that regard?

83. He himself was from a country which, although a party to the Covenant, had a police force and prison system which were probably among the worst offenders against the Covenant in terms of human rights violations. For that reason, he would be interested to know whether an organized prison system and police force existed in Slovenia, and whether they were under unified control. What steps were taken to ensure that the behaviour of police and prison officers was such as to guarantee respect for human rights?

84. Finally, with reference to paragraph 44 of the report, could the delegation provide some information on the difference between "economic transgressions" and "economic offences"?

85. Mr. PRADO VALLEJO said he was pleased to welcome such a distinguished delegation to the Committee. The excellent oral introduction to the report augured well for future dialogue.

86. Although it was clear from the report that Slovenia had legislation in place to guarantee human rights, nothing was said about how that legislation was given practical effect. He would appreciate more information on that point. Was the Covenant published in minority languages as well as in Slovene, so that all citizens could be aware of their rights?

87. He was glad to learn that in Slovenia the Covenant took precedence over internal legislation. However, it would seem that there was as yet no official such as an ombudsman to monitor implementation of human rights. He noted from paragraph 24 of the core document that an individual whose rights had been violated was entitled to avail himself of "extraordinary legal means". What was meant by that term? He did not see why an individual should be expected to exhaust all regular means via the courts before lodging a complaint that his rights had been violated. The lack of an ombudsman with powers to intervene immediately to remedy violations was likely to give rise to problems.

88. The report said nothing about recourse to habeas corpus, a procedure which was very important in cases of human rights violations. Paragraph 25 of the report stated that according to the currently valid law the authorities could prescribe detention of up to three days, but added that that law was no longer applied because it was at variance with article 20 of the Constitution. If a law was at variance with the Constitution, how could it be currently valid? Paragraph 22 of the report stated that detention during investigation was limited to six months, which seemed to him an unduly long period: in his country, preventive detention was limited to 48 hours. How could such a procedure be reconciled with the principle of presumption of innocence?

89. According to paragraph 31, a juvenile offender could be detained in the same place as an adult provided that the adult did not "exert a negative influence on him". How could that possibly be guaranteed? He pointed out that article 10, paragraph 2 (b), of the Covenant required that accused juveniles should be separated from adults. He would appreciate clarification on the point.

90. Paragraph 35 stated that foreigners could enjoy all rights "with the exception of those rights which only citizens of Slovenia may enjoy pursuant to the Constitution and the law". What were the rights concerned? Similarly, paragraph 51 mentioned restrictions on freedom of expression which were "prescribed in the laws". He would like to know precisely which restrictions were meant.

91. Lastly, he too would like to know more about the "economic transgressions" and "economic offences" referred to in paragraph 44. What were the penalties for such offences, and what remedies were available to an individual charged with them if he believed his rights to have been violated?

92. Mr. MAVROMMATIS said he was glad to learn that the human rights situation in Slovenia, despite its recent transition, was extremely healthy. Slovenia had probably made more progress in the political and socio-economic fields that any other country which had recently adopted a multi-party system. Per capita income, in particular, was astonishingly high.

93. However, the report itself did not do justice to the attainments of the Slovene people, and it had certainly not been prepared in accordance with the Committee's guidelines. It was merely the skeleton of a report, and gave too little information. He was sure that some of those defects would be remedied by the replies given, but hoped that the next report would follow the Committee's guidelines.

94. Referring to paragraph 31 of the core document, he asked how it was that the European Convention, but not the Covenant, had been translated into Slovene. That seemed to him surprising, since the Covenant had been binding in Slovenia for some decades, and its scope went well beyond that of the European Convention.

95. Mr. NDIAYE congratulated Slovenia on having submitted its report in such good time, despite the fact that it had so recently come into being as a State and despite the difficulties it had undergone. He was also glad to note that it had taken the trouble to submit an initial report, whereas as a successor State to the former Yugoslavia, it might have submitted only a second or third periodic report.

96. Paragraph 21 of the core document referred to "specialized courts": he took it those were not the same as "special courts", and would welcome further details. Paragraph 29 of the same document referred to a Human Rights Ombudsman, but stated that the law governing that post had not yet entered into force. It would seem that the ombudsman could only intervene after the exhaustion of ordinary remedies. Normally, the reverse was the case, and the ombudsman would be called on before court proceedings were initiated. He did not see why that procedure had been chosen.

97. Lastly, it was stated in the same paragraph that a Council of Human Rights and Fundamental Freedoms had been elected by Parliament. What was the membership of that Council? Did it have decision-making powers, or was its function simply to carry out investigations and to make recommendations?

98. The CHAIRMAN said that, although some 70 questions had been put to the delegation of Slovenia, most related to a few major issues, namely the place of the Covenant in the domestic legal system, and whether it could be invoked directly before the courts; the status of women; the rights of minorities, particularly in regard to participation in political life; and the duration of preventive detention. He suggested that the delegation might arrange its replies on the basis of those categories. If information in response to some questions was not readily available, it could be sent in written form at a later stage.

The meeting rose at 1 p.m.